

Sixth Appellate District

San Jose, California

MONDAY, MARCH 29, 2004

H025077 PEOPLE v. PALACIOS

(Filed order modifying opinion.) This modification does not affect the judgment. The petition for rehearing is denied. (not published)

(Mihara, J.; Elia, Acting P.J., Wunderlich, J.)

Filed March 29, 2004

H026043 PEOPLE v. DAVID T.

By the Court\*:

Respondent's petition for rehearing is denied.

Filed: March 29, 2004

\*Before Bamattre-Manoukian, Acting P.J., Wunderlich, J. and Mihara, J.

H026016 PEOPLE v. HOOKS

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed March 29, 2004

H025582 PEOPLE v. SMITH

The judgment is reversed. The case is remanded for resentencing unless the prosecutor elects to retry the allegation that defendant has a prior serious felony conviction. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed March 29, 2004

TUESDAY, MARCH 30, 2004

H026236 BAKER v. MCMAHON, et al.

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Rushing, P.J., Premo, J.)

Filed March 30, 2004

H025922 PEOPLE v. MOORE

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Rushing, P.J., Premo, J.)

Filed March 30, 2004

Sixth Appellate District

San Jose, California

Tuesday, March 30, 2004 (continued)

H026023 PEOPLE v. MENDEZ

The judgment of conviction is affirmed. (not published)  
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J.,  
Mihara, J.)  
Filed March 30, 2004

H025586 PEOPLE v. CLEVELAND

The 10-year gang enhancement imposed under section 186.22 is  
ordered stricken and the 15-year minimum parole eligibility of  
section 186.22, subdivision (b)(5) is imposed. The trial court  
is directed to amend the abstract of judgment accordingly and  
forward a certified copy of the amended abstract to the  
Department of Corrections. As modified, the judgment is  
affirmed. (not published)  
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J.,  
Mihara, J.)  
Filed March 30, 2004

H025237 MACDONALD v. ASPECT DEVELOPMENT, INC., et al.

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Rushing, P.J., Wunderlich, J.)  
Filed March 30, 2004

The Court met at the Monterey City Council Chambers,  
Monterey, California. Present: Rushing, P.J.; Premo, J.; Elia,  
J.; and S. Nasson, Deputy Clerk.

H025655 PEOPLE v. KYMANI Y.

Cause called and argued by Michael Kresser appearing for  
Appellant and by Eric Share, Deputy Attorney General, appearing  
for Respondent. Cause ordered submitted.

H025620 PEOPLE v. THOMAS C.

Cause called and argued by Lyn Woodward appearing for  
Appellant and by Eric Share, Deputy Attorney General, appearing  
for Respondent. Cause ordered submitted. Rushing, P.J., Premo,  
J. and Elia, J. leave the bench. Bamattre-Manoukian, Acting  
P.J., Mihara, J. and McAdams, J. take the bench.

Sixth Appellate District

San Jose, California

Tuesday, March 30, 2004 (continued)

H026579 MONTEREY COUNTY D.S.S. v. GILBERT Q.

Cause called and argued by Julie Braden appearing for Appellant and by William Rentz, Deputy County Counsel, appearing for Respondent and by Catherine Czar appearing for the minor. Cause ordered submitted. McAdams, J. leaves the bench. Wunderlich, J. takes the bench.

H025711 MEYER, et al. v. SEARIDGE CONSTRUCTION, et al.

Cause called and argued by Larry Hayes appearing for Appellants and by Mitchell Ehrlich appearing for Respondents. Cause ordered submitted upon completion of supplemental briefing. Court adjourns.

THURSDAY, APRIL 1, 2004

H026217 PEOPLE v. HOFSEIER

The trial court's order granting probation is hereby modified to eliminate the registration requirement. As modified, the order is affirmed. (published)  
(Mihara, J.; I concur: Wunderlich, J.; Dissenting opinion by Bamattre-Manoukian, Acting P.J.)  
Filed April 1, 2004

FRIDAY, APRIL 2, 2004

H025942 In re DAVID G., et al; DFCS v. JULIE V., et al.

H026205 In re DAVID G., et al; DFCS v. JULIE V.

H026300 In re JULIE V. on Habeas Corpus

The petition for a writ of habeas corpus is denied. In case No. H025942, Julie's appeal of the April 14 temporary visitation order is dismissed as is Edward's appeal of denial of placement. Otherwise, the judgment in case No. H025942 is affirmed. The judgment in case No. H026205 is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed April 2, 2004

Sixth Appellate District

San Jose, California

Friday, April 2, 2004 (continued)

H025745 PEOPLE v. SANCHEZ-MARTINEZ

The judgment is reversed and the matter is remanded for defendant to withdraw his plea and set the matter for trial or for the parties to reach some other disposition. The state bar will be advised of the outcome of this case pursuant to Business and Professions Code section 6068, subdivision (o)(7). (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 2, 2004